

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. DNCW3:97CR178-2
	)	(Financial Litigation Unit)
PHIFER DEHART FRANKLIN,	)	
Defendant,	)	
and	)	
	)	
NEW-INDY CONTAINERBOARD LLC,	)	
DBA/NEW-INDY CATAWBA LLC,	)	
Garnishee.	)	

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER** is before the Court on the United States' Motion to Amend Garnishee Name and for Entry of an Order of Continuing Garnishment. Judgment in the criminal case was filed on May 30, 2000 (Doc. No. 40). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$55,413.31 to the victims of the crime. *Id.*

On October 26, 2018, the Court entered a Writ of Continuing Garnishment (Doc. No. 58) to the Garnishee Resolute FP US Inc. The United States is entitled to a wage garnishment of up to twenty-five percent of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673. The Defendant was served with the Writ on November 30, 2018, and Garnishee Resolute was served on November 26, 2018. Garnishee Resolute filed an Answer on December 18, 2018 (Doc. No. 63), stating that at the time of the service of the Writ, Garnishee Resolute had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

On December 31, 2018, Garnishee Resolute was acquired by New-Indy Containerboard LLC dba/New-Indy Catawba LLC. The Defendant is an employee of Garnishee New-Indy.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED with the Garnishee's name amended to New-Indy Containerboard LLC, dba/New-Indy Catawba LLC, in the amount of \$18,862.64 computed through October 25, 2018. Garnishee New-Indy will pay the United States up to twenty-five percent of the Defendant's net earnings which remain after all deductions required by law have been withheld and one hundred percent of all 1099 payments, and Garnishee New-Indy will continue said payments until the debt is paid in full or until Garnishee New-Indy no longer has custody, possession or control of any property belonging to the Defendant or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

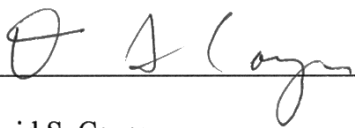
In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:97CR178-2.

IT IS FURTHER ORDERED that Garnishee New-Indy will advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

**SO ORDERED.**

Signed: June 28, 2019

  
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David S. Cayer  
United States Magistrate Judge

